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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/512,002

12/28/2004

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0.010302USWZFN

6419

7590 11/29/2007  
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EXAMINER

AHMAD, NASSER

ART UNIT

PAPER NUMBER

1794

MAIL DATE

DELIVERY MODE

11/29/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/512,002

Applicant(s)

HENDERSON ET AL.

Examiner

Nasser Ahmad

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 September 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 2-9 and 11-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-9 and 11-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Rejections Withdrawn***

1. Claim 5 is rejected under 35 U.S.C. 112, second paragraph, made in the Office Action of 8/23/2006 and maintained in the Office Actions of 2/15/2007 and 6/2/2007 has been withdrawn in view of the amendment filed on 9/7/2007.
2. Claims 2-9, 11-13 are rejected under 35 U.S.C. 112, first paragraph, made in the Office Action of 8/23/2006 and maintained in the Office Actions of 2/15/2007 and 6/2/2007 has been withdrawn in view of the amendment filed on 9/7/2007.
3. Claims 2-5, 7-9, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Granqvist (4953922).in view of Karlsson (4529633) made in the Office Action of 6/2/2007 has been withdrawn in view of the amendment filed on 9/7/2007.
4. Claims 6 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Granqvist in view of Karlsson and McKinney (6373058) made in the Office Action of 6/2/2007 has been withdrawn in view of the amendment filed on 9/7/2007.
5. Claims 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Granqvist in view of Karlsson made in the Office Action of 6/2/2007 has been withdrawn in view of the amendment filed on 9/7/2007.

### ***Response to Arguments***

6. Applicant's arguments with respect to claims 3-9, 11-13 and new claims 14-18 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 3-5, 7-9, 11, 15, 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Granqvist (4953922).in view of Karlsson (4529633).

Granqvist (for claim 11) relates to a camouflage covering (1) comprising a sheet that comprises an embossed exterior surface (7) bearing an image (figure-2), an adhesive (8) exterior surface opposite said exterior surface, and between said exterior surfaces, at least one additional component (4)providing protection against detection by at least one of UV-sensing, IR-sensing, thermal imaging, radar and acoustic imaging. However, Granqvist fails to teach that the embossed surface bears a colored camouflage image. Karlsson discloses a camouflage covering comprising an embossed plastic layer (1) adhered to a fabric (4) by adhesive (3), and a metal layer (2) is located between the adhesive and the plastic layer (abstract and figure-3). The embossed plastic layer is provided with a patchy layer (5) of patchy images (images are known to have color). Therefore, it would have been obvious to one having ordinary skill in the art to utilize Karlsson's teaching of providing patchy colored images on a plastic layer in the invention of Granqvist with the motivation to provide for enhanced camouflage

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The phrase "capable of providing protection against detection by at least one sensing method other than visual inspection and surface profiling" has not been given any patentable weight because it only requires the ability to so perform and is not a positive limitation.

For claims 3 and 4, the components comprise at least one component comprising a metallic foil (4) and/or IR-transparent polymer.

For claim 5, the visible light or IR or UV absorbent layer would include radar absorbing material.

Regarding claim 6, the presence of the various layers would inherently provide for acoustic absorption property.

Regarding claim 8, the sheet is flexible (web material in abstract).

For claim 9, the colored camouflage image represents an environmental background.

For claims 15 and 17, the article includes a disposable backing sheet overlaying the adhesive layer, such as the object to which the article is adhered to.

9. Claims 6 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Granqvist in view of Karlsson and McKinney (6373058).

Granqvist and Karlsson, as discussed above, fails to teach that the additional component comprise phase change material. McKinney relates to camouflage covering (figure-3), the covering comprising a sheet including a plurality of components (10, 20, 30), each of said components being capable of providing protection against detection by at least one sensing method.. The camouflage layer component is phase change

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material (abstract) to provide for camouflaging a surface, and as shown in figure-2, the camouflage layer is located between two outer layers. Therefore, it would have been obvious to one having ordinary skill in the art to utilize McKinney's teaching of providing a phase change absorber as an additional component layer in a camouflaging article in the invention of Granqvist with the motivation to provide camouflaging from radiation.

10. Claims 12-13, 16, 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Granqvist in view of Karlsson.

Granqvist, as discussed above, fails to teach the presence of a second sheet overlaying the sheet. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a second sheet, because it involves a mere duplication of the essential working part of a device, that is the first sheet, thereby providing for increased camouflaging effect and/or stronger camouflage covering.

11. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Granqvist (4953922) in view of Karlsson (4529633) and Nesbitt (5549938).

Granqvist and Karlsson, as discussed above, fails to teach that the covering comprises a flexible magnetic film. Nesbitt discloses a camouflaging covering including a magnetic film for increasing the adhering of the covering to surfaces of objects. Therefore, it would have been obvious to one having ordinary skill in the art to utilize Nesbitt's teaching by providing a magnetic film layer in the invention camouflage covering in the

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invention of Granqvist with the motivation to provide for increased adhering-ability of the covering to the object.

### ***Response to Arguments***

12. In response to applicant's arguments regarding the structure of Granqvist's camouflage article, applicant should note that the presence of image patches would provide for enhanced camouflaging effect and, contrary to applicant's allegation that Patent'922 implies that the image would negatively impact the covering, applicant has failed to provide any evidentiary support for said implication.

Applicant is also informed that the surface profile of Granqvist is in the form of an image as seen in figure-2 and the presence of patchy images as suggested by Karlsson would increase the camouflage property of the covering of Granqvist, even if the alleged camouflaging effect is reduced (as alleged by the applicant in page-9 of the amendment of 9/7/2007).

Further, applicant's accurate observation of Granqvist's teaching that image with pigments "can disturb the desired influence on radiation in regions other than visible light" is noted by the examiner. Said observation is directed to only a possibility of disturbance as it can disturb. Thus, the combination is proper.

Regarding applicant's argument about the type of image claimed, applicant is informed that the image for the camouflage covering of the prior art is also directed to an environmental background because the purpose is to camouflage with the environment. The 35 USC 103 rejections addresses all the limitations of the claimed invention.

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Applicant argues that the rejection of claims 6 and 11 does not show as to which layers would need to be modified. This is not deemed to be persuasive because applicant is directed to rejection, hereinabove, wherein it is shown that the additional component layer of Granqvist can be a phase change material for imparting a particular camouflaging aspect.

Responding to applicant's argument for the obviousness rejection of claims 12 and 13, applicant should note that the presence of a second layer of the camouflage covering is obvious duplication of parts because it imparts increased structural strength to and/or camouflage-ability of the covering.

### ***Conclusion***

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of



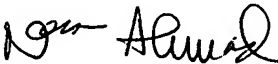
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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nasser Ahmad whose telephone number is 571-272-1487. The examiner can normally be reached on 7:30 AM to 5:00 PM, and on alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rena Dye can be reached on 571-272-3186. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Nasser Ahmad  
Primary Examiner  
Art Unit 1794  
11/24/07

N. Ahmad.  
November 24, 2007.